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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WADE FORREST CADY,

Defendants

Case No.: 2:21-mj-00439-EJY-1

**STIPULATION TO CONTINUE
HEARING**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, and Eileen Alexander, Assistant United States Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for WADE FORREST CADY that the Status Conference set for February 2, 2022, be vacated and set to a date and time convenient to this Court.

The Stipulation is entered into for the following reasons:

1. The defendant is not in custody and does not object to the continuance.
2. The parties agree to the continuance.
3. The defendant needs additional time in to complete all requirements.
4. The requested time is not for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.
5. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
3 outlined in §3161(h)(7)(B)(i), (iv).
4

5 This is the second stipulation to continue the Status Conference Hearing.
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7 DATED: January 31, 2022
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9 Submitted By: LEVENTHAL & ASSOCIATES, PLLC
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11 By /s/ Todd M Leventhal

12 TODD M. LEVENTHAL
13 Counsel for Defendant Darnele Nelson
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By /s/ Eileen Alexander

EILEEN ALEXANDER
Assistant United States Attorney

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the
Court finds that:

1. The defendant is not in custody and does not object to the continuance.
2. The parties agree to the continuance.
3. The defendant needs additional time to complete all requirements
4. Additionally, denial of the continuance could result in a miscarriage of justice.

The additional time is excludable in computing the time within which the trial must
commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
outlined in §3161(h)(7)(B)(i), (iv).

This is the second stipulation to continue the Status Conference Hearing.

CONCLUSIONS OF LAW

The ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant it would likely result in a miscarriage of justice. This continuance is excludable under the Speedy Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B) (i), (iv).

ORDER

IT IS FURTHER ORDERED that the Status Conference currently scheduled for February 2, 2022 at the hour of 9:00 a.m., is vacated and continued to March 9, 2022, at 9:00 a.m., in Courtroom 3D.

DATED: February 1, 2022

BY: 
UNITED STATES MAGISTRATE JUDGE